

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

JAN 30 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter Of:)	
)	
Revision of Part 22 of the Commission's)	CC Docket No. 92-115
Rules Governing the Public Mobile Services)	
)	
Amendment of Part 22 of the Commission's)	CC Docket No. 94-46
to Delete Section 22.118 and Permit)	RM 8367
the Concurrent Use of Transmitters in)	
Common Carrier and Non-common Carrier)	
Service)	
)	
Amendment of Part 22 of the Commission's)	CC Docket No. 93-116
Rules Pertaining to Power Limits for Paging)	
Stations Operating in the 931 MHz Band in)	
the Public Land Mobile Service)	

**PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION
REPLY COMMENTS**

The Personal Communications Industry Association ("PCIA") herewith submits its reply to comments and oppositions filed in response to the petitions for reconsideration and clarification of the Commission's Report and Order in the above-captioned docket.¹ PCIA,

¹ Revision of Part 22 of the Commission's Rules Governing the Public Mobile Services, CC Docket No. 92-115 (Sept. 9, 1994) [*Part 22 Rewrite Order*]. PCIA and the National Association of Business and Educational Radio, Inc. ("NABER") recently announced the decision to merge their two organizations and to operate under the PCIA name as a new legal entity. This new PCIA is an international trade association created to represent the interest of both the commercial mobile radio service ("CMRS") and the private mobile radio service ("PMRS") communications industries. PCIA's Federation of Councils includes: the Paging and Narrowband PCS Alliance, the Broadband PCS Alliance, the Specialized Mobile Radio Alliance, the Site Owners and Managers Association, the Association of Wireless System Integrators, the Association of Communications Technicians, and the Private System Users Alliance. In addition, as the FCC-appointed frequency

(continued...)

which has already filed both a petition for reconsideration and comments in this docket, is filing this reply to respond to comments on its proposals and to extend its support to those parties requesting grandfathering of existing equipment under the station identification requirements.

In its original petition for reconsideration, PCIA commended the Commission on its efforts to revise, update, and streamline the rules governing Public Mobile Services. PCIA argued, however, that the goals of the Commission's Part 22 Rewrite proceeding and the public interest would be served by adopting a number of limited changes:

First, in light of the unanticipated and substantial backlog of 931 MHz paging applications remaining at the new rule transition date, all commenters discussing the issue agreed that some changes to the 931 MHz processing rules were needed.² PCIA's petition for reconsideration proposed a simple transition plan for the processing of 931 MHz paging

¹(...continued)

coordinator for the 450-512 MHz bands in the Business Radio Service, the 800 and 900 MHz Business Pools, the 800 MHz General Category frequencies for Business Eligibles and conventional SMR systems, and the 929 MHz paging frequencies, PCIA represents and serves the interests of tens of thousands of licensees.

² Ameritech Mobile Services, Inc. Petition for Reconsideration at 2-6; Celpage, Inc. Petition for Reconsideration at 4-9; Massachusetts-Connecticut Mobile Telephone Company, Mobile Radio Communications, Inc., and Radiofone, Inc. Petition for Reconsideration at 1-4 ["Mass-Conn Petition"]; Metrocall, Inc. Petition for Reconsideration at 4-6 ["Metrocall Petition"]; Page America Group Petition for Reconsideration at 8-9 ["Page America Petition"]; Paging Network, Inc. Petition for Reconsideration at 2-8 ["PageNet Petition"]; Paging Partners Corporation Petition for Reconsideration at 6 ["Paging Partners Petition"]; Pronet, Inc. Petition for Reconsideration at 4-9; Sawtooth Paging, Inc. and Palouse Paging, Inc. Petition for Reconsideration at 2-6; Source One Wireless, Inc. Petition for Reconsideration at 3-7; Sussex Cellular, Inc. Petition for Reconsideration at 6-8; Joint Comments of Airtouch Paging and Arch Communications Group at 10-14 ["Airtouch/Arch Comments"]; Pronet, Inc. Comments at 1-4.

applications that was designed to reduce the Commission's administrative workload, to provide for expeditious resolution of many existing applications, and to allow an orderly changeover to the new auction-based processing framework. PCIA's proposal, which was developed by its extensive paging membership, was broadly supported by industry commenters and should be adopted.³

Second, PCIA argued that the new policy prohibiting transmitter sharing between licensees should be deleted. As all commenters addressing the issue noted, the Commission's prior practice of dual licensing provides significant benefits and should remain in effect.⁴ Under the circumstances, PCIA believes the Commission should, upon reconsideration, eliminate its policy statement against dual licensing.

Third, PCIA urged the Commission to act upon reconsideration to delete the one-year limitation on reapplying for the same channel in the same area. As commenters have observed, the auction application processing framework adopted by the Commission will eliminate the potential for speculative warehousing of radio channels. At the same time, the limitation could have unintended consequences limiting the flexibility of carriers to undertake needed, legitimate modifications and expansions. The great majority of commenters

³ See, e.g., PageNet Petition at 2-8; Paging Partners Petition at 6; Airtouch/Arch Comments at 10-14.

⁴ Airtouch Communications, Inc. and U S West NewVector Group, Inc. Petition for Reconsideration at 10-11 ["Airtouch/U S West Petition"]; Mass-Conn Petition at 11-12; McCaw Cellular Communications, Inc. Petition for Reconsideration at 35-37 ["McCaw Petition"]; Metrocall Petition at 12-14; Pac-West Telecomm, Inc. and PagePrompt USA Petition for Reconsideration at 2-5; Page America Petition at 7-8; PCS Development Corporation Petition for Reconsideration at 2-10; Airtouch/Arch Comments at 4-5; Cellular Telecommunications Industry Association Comments at 9; McCaw Cellular Communications, Inc. Comments at 18.

addressing the issue therefore requested modification of the new "blackout" rule on reapplying for the same channel in the same area.⁵

Fourth, in both this proceeding and in the related reconsideration proceedings on the Commission's Third Report and Order in GN Docket No. 92-253, PCIA argued that the Commission should not require service to subscribers in determining whether a licensee has met the construction deadlines contained in an authorization. The requirement of providing service to subscribers is, in some cases, difficult to administer, confusing for licensees, and unnecessary to ensure that facilities are available for service to the public. PCIA accordingly urges the Commission in the alternative to deem a licensee to have met this requirement if, as filers suggest,⁶ the licensee has constructed the authorized facilities and the facilities are interconnected to the public switched telephone network, and thus available for service.

Fifth, PCIA requested modification of the microfiching rules to eliminate the requirement for submissions of five pages or less, whether or not the filing is on a prescribed form. PCIA showed that requiring more extensive microfiching by licensees and applicants will place unjustifiable burdens on smaller licensees.⁷ Indeed, inasmuch as the microfiche requirement will also be imposed on reclassified Part 90 CMRS licensees, many of whom are smaller carriers, the impact of the new microfiching rule on small businesses is tremendous. To avoid increasing the costs of service and delaying the provision of service to subscribers,

⁵ Ameritech/U S West Petition at 17; Mass-Conn Petition at 9-10; Page America Petition at 4-5; Airtouch/Arch Comments at 8-9.

⁶ Ameritech/U S West Petition at 18; Mass-Conn Petition at 10; McCaw Petition at 12-16; PageNet Petition at 11-12; Airtouch/Arch Comments at 6-7.

⁷ See, e.g., Airtouch/Arch Comments at 17.

PCIA requests the Commission to return to its prior criteria for requiring the microfiling of filings.

Sixth, PCIA requested the Commission to permit licensees to apply for new channels under the additional channel policies immediately following grant of, rather than construction of, already applied for facilities. Requiring licensees to wait until after facilities have been constructed before applying for additional channels will significantly delay needed service expansions without any tangible benefits for the public. PCIA thus urges the Commission to act upon reconsideration, as commenters request,⁸ and permit the filing of new applications any time after grant of existing facilities applications, rather than requiring the licensee/applicant to certify completion of construction of previously authorized facilities as a prerequisite to the acceptability of an additional channel application.

Finally, PCIA also concurs with those commenters that request modification of the station identification timing requirements.⁹ Under the new regulations, licensees are required to transmit a station identification within five minutes of the hour, every hour. As the commenters in this proceeding have noted, however, compliance with this new requirement is technically impracticable for some existing equipment in that the identification cannot be synchronized with an external clock. To avoid requiring the unnecessary imposition of significant upgrade costs on licensees, PCIA urges the Commission to

⁸ Page America Petition at 5-6; PageNet Petition at 15-16; Airtouch/Arch Comments at 18-19.

⁹ See, e.g., Airtouch/Arch Comments at 20.

grandfather existing equipment and allow such stations to transmit a station identification at least every half hour, as currently provided under Section 22.213.

Adoption of these limited changes and clarifications will provide significant benefits to the industry and streamline the provision of service to the public. Each of these proposals was broadly supported by the commenting parties. PCIA therefore respectfully requests the Commission to reconsider the specific rule provisions and to modify the requirements, as suggested above, upon reconsideration.

Respectfully submitted,

**PERSONAL COMMUNICATIONS
INDUSTRY ASSOCIATION**

By: Mark J. Golden / *em*
Mark J. Golden
Personal Communications Industry
Association
1019 19th Street, N.W. Suite 1100
(202) 467-4770

Dated: January 30, 1995

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of January, 1995, I caused copies of the foregoing "Reply Comments" to be mailed via first-class postage prepaid mail to the following:

Dennis Myers
Ameritech Mobile Services, Inc.
2000 West Ameritech Center Drive
Location 3H78
Hoffman Estates, IL 60195-5000

Mark Stachiw
Arch Communications Group and
AirTouch Paging
Three Forest Plaza
12221 Merit Drive, Suite 800
Dallas, TX 75251

Kavid Gross
AirTouch Communications, Inc.
1818 N Street, N.W.
Washington, DC 20036

Carl W. Northrop
Bryan Cave
700 Thirteenth Street, N.W., Suite 700
Washington, DC 20005-3970

Andrea D. Williams
Cellular Telecommunications Industry Association
1250 Connecticut Avenue, N.W., Suite 200
Washington, DC 20036

Frederick M. Joyce
Joyce & Jacobs
1019 19th Street, N.W., 14th Fl.
Washington, DC 20036
Counsel to Celpage, Inc.
Counsel to Metrocall, Inc.

John A. Prendergast
Blooston, Mordkofsky, Jackson & Dickens
2120 L Street, N.W., Ste 300
Washington, DC 20554
Counsel to Massachusetts-Connecticut Mobile
Telephone Company, Mobile Radio Communications,
Inc., and Radiofone, Inc.

Cathleen A. Massey
McCaw Cellular Communications, Inc.
1150 Connecticut Ave., N.W., 4th Fl.
Washington, DC 20036

Louise Cybulski
Pepper & Corrazzini, LLP
1776 K Street, N.W., Ste 200
Washington, DC 20006
Counsel to Pac-West Telecomm, Inc. and
PagePrompt USA

James F. Rogers
Latham & Watkins
1001 Pennsylvania Ave., N.W. Ste 1300
Washington, DC 20004
Counsel to Page America Group

Judith St. Ledger-Roty
Reed, Smith, Shaw & McClay
1200 18th Street, N.W.
Washington, DC 20036
Counsel to Paging Network, Inc.

David L. Hill
O'Connor & Hannan
1919 Pennsylvania Ave., N.W., Ste 800
Washington, D.C. 20006
Counsel to Paging Partners Corporation

Gerald S. McGowan
Lukas, McGowan, Nace & Gutierrez, Chtd
1111 19th Street, N.W., Ste 1200
Washington, DC 20036
Counsel to PCS Development Corporation

Jerome Blask
Gurman, Kurtis, Blask & Freedman, Chtd
1400 Sixteenth Street, N.W., Ste 500
Washington, DC 20008
Counsel to Pronet, Inc.
Counsel to Source One Wireless, Inc.

Louis Gurman
Gurman, Kurtis, Blask & Freedman, Chtd
1400 16th Street, N.W., Ste 500
Washington, DC 20036
Counsel to Sawtooth Paging, Inc. and
Palouse Paging, Inc.

Thomas J. Dougherty, Jr.
Gardner, Carton & Douglas
1301 K Street, N.W., Ste 900
Washington, DC 20005
Counsel to Sussex Cellular, Inc.

Kathryn A. Zachem
Wilkinson, Barker, Knauer & Quinn
1735 New York Ave., N.W.
Washington, DC 20006
Counsel to AirTouch Communications, Inc.
and U S West NewVector Group, Inc.

Donald Mukai
U S West NewVector Group, Inc.
3350 161st Ave., S.E.
Bellevue, WA 98008


Kimberly Riddick